THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.19105 & 16389 of 2004

DATED: 31-07-2007

W.P.No.19105 of 2004

Sarvodaya Weaker Sections Development Welfare Society,
Narayankhed,
Rep., by its General Secretary,
S.Ramakrishna,
Office at H.No.1-1,
Narsapoor village, Narayankhed Mandal,
Medak District.

...PETITIONER

AND

State of A.P.,
Rep., by its Principal Secretary for Housing,
Govt. of A.P.,
Secretariat Buildings,
Hyderabad & 4 others.

...RESPONDENTS

W.P.NO.16389 OF 2004:

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Narayankhed,
Rep., by its General Secretary,
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COMMON ORDER:

Heard learned counsel appearing for the petitioner; learned Government Pleaders for Revenue; Housing; and Co-operation appearing for the respondents.

2. Petitioner in both the Writ Petitions seeks to issue writ of mandamus declaring that the members of the Society are eligible and entitled to the subsidy and loan amounts, and to direct the respondents to pay the same with immediate effect, and also to declare the G.O.Rt.No.157, Housing (RH-1) department, dated 12-07-2004, issued by the 1st respondent, as illegal and arbitrary.

3. It is the case of the petitioner that the members of its society consists of weaker sections like Scheduled Castes, Scheduled Tribes, Backward Classes, other Economically Backward Classes, and Minorities and in order to pool up their cooperation and coordination and to fight for the rights and privileges accrued to them on account of Government providing socio-economic development programmes and in order to avail the benefit of such programmes, housing programmes, Society has been formed and its area of operation is consisting of Narayankhed Assembly

Constituency. It is stated that the members of the Society who are below the poverty line; who are entitled for the houses; whose income is less than Rs.13,000/- per annum; and having no houses are all eligible for providing economic benefits and accordingly the members of the Society were also issued income certificate, caste certificate, house site certificate, and recommended the proposals to the Chairman, District Development Review Committee, Medak District for granting sanction. It is stated that most of the members have been selected for the construction of houses. Though in the Writ Petitions it is stated that the list of the members and their particulars are filed but no such particulars have been enclosed along with the list. It is stated that most of the members of the petitioner Society have been selected and they have started construction but all of a sudden, Government cancelled the sanction of houses. It is stated that the Government issued G.O.Ms.No.157, dated 12-07-2004, stating that the Government has cancelled 2,26,145 houses which are not started under SPR, RPH and UPH categories during 2003-2004 programme as shown in the annexure appended to the order. It is stated that the said order of the Government is illegal, without giving any opportunity against the principles of natural justice.

4. Learned counsel appearing for the respondents submits that the Government Order is not vague and as per the scheme only the houses which are not yet started have been cancelled in 2003-2004 and subsequently several other programmes have been taken issuing several Government Orders for construction of houses.

5. Insofar as the specific averments in the Writ Petitions are concerned, it is stated that as per the procedure after allocation of houses to the District Collector, Selection Authority will propose the names of the individuals for sanction of the houses and the list of the names of the individuals proposed by the Selection Authority is not final list for selecting unless sanction orders are issued. It is further stated that after the issuance of sanction orders only beneficiaries have to start the work and if they do not start the work the sanction orders are liable to be cancelled. It is stated that if there are any lapses in the conditions specified in the sanction proceedings, the sanction of the house will be cancelled. It is stated that unless sanction order is issued the question of starting construction of any house does not arise.

6. Insofar as the case of the petitioner is concerned for the year, 1999-2000, 2050 houses were allocated and sanctioned to Narayankhed Constituency in which 270 houses are found not started as on 21-02-2003 and therefore, their houses were included vide proceedings, dated 12-11-2003, and the remaining 1780 houses are grounded and payments made according to their house construction stage.

7. It is stated that for the year, 2003-2004, 1550 houses were allocated and sanctioned to Narayankhed Constituency from 13-10-2003 to 17-12-2003 in spell wise and as per the sanction orders the beneficiaries have started the construction within ten days from the date of issuing the proceedings and if any individual fails

to start his sanctioned house within ten days the sanction of the house will be cancelled. It is stated that during the visit of the houses for grounding it was noticed that 98 houses are started earlier to the sanction proceedings and 53 houses beneficiaries are already covered under previous housing programmes, and therefore, they are not eligible and their cases are kept in abeyance for cancellation. It is stated that for the year,

2003-2004, 460 houses were found not started in addition to the houses which were already liable for cancellation. (370 not started, 39 ineligible, and 47 advance construction houses). All the 460 houses were cancelled for the year,

2003-2004 and all other remaining houses beneficiaries are paid payment as per the construction of houses. Thus, it is stated that cancellations were made as per the procedural system only and not influenced on political considerations. It is stated that no substitute beneficiary was selected or sanctioned by the present Government and no political rivalries have influenced in the cancellation of houses. However, it is stated that the State Government now introduced a new housing policy in the name of Indiramma (Integrate Novel Development in Rural Areas and Model Municipal Areas). The goal of the scheme is to provide shelter for all in a phased manner over a period of three years. Whoever comes under 'below poverty line' is eligible for sanction of house irrespective of caste and creed. Accordingly, G.Os. have been issued by the Government for implementation of scheme and sanction of houses. The persons whoever in need of house can apply and get a house basing on their eligibility. Thus, it is stated

that the beneficiaries have not furnished particulars of the allotment orders and cancellation orders and as per the G.O., all over the State the sanction of houses which were not at all started were cancelled, but however during the subsequent years, it was sanctioned to give benefit to the beneficiary who was there in the select list.

8. In the absence of any individual particulars furnished by the petitioner Society it may not be just and proper for this Court to express any opinion with regard to the illegal cancellation of the list of beneficiaries, but however, having regard to the facts and circumstances, I am of the opinion that it is just and proper for the petitioner Society to furnish list of particulars of its members including the relevant documents in a format to the District Collector, Medak District for sanction of the houses and if any such list is furnished giving the particulars, I am of the opinion that the members of the petitioner Society are entitled for sanction on priority basis as it was alleged that their selection was abruptly cancelled earlier on the ground that their sanction of houses were cancelled earlier either on the ground that they have not started or they have started constructions in advance. Even if any construction is started expecting that he is entitled for sanction of house, I am of the opinion that such of those cases of the individuals who are still below the poverty line can be considered.

9. Having regard to the facts and circumstances of the case, Writ Petitions are disposed of permitting the petitioner to file a representation alongwith the list of its members who are eligible for sanction of houses within two weeks from the date of receipt of

a copy of this order, and if any such list is submitted to the District Collector, Medak District, the District Collector, Medak District is directed to get the said list verified by the concerned Revenue Divisional Officer/Selection Authority as the case may be, as expeditiously as possible within six weeks thereafter and pass appropriate orders for sanction of houses in accordance with law. No order as to costs.

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V. ESWARAIAH, J

31st July, 2007.
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